IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINETEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE BILAL NAZKI

WRIT PETITION NO : 3930 of 1994

Between:

1 A.Mogul Reddy S/o.late Hanmanth Reddy
R/o.Digwal Village, Kohir Mandal
Medak Dist (Died) (For LRs)
2 A. Padmamma W/o. Late A. Mogul Reddy
R/o. Digwal Village, Kohir Mandal, Medak.
3 A. Vittal Reddy S/o. Late A. Mogul Reddty
R/o. Digwal Village, Kohir Mandal, Medak.
4 A. Anji Reddy Late A. Mogul Reddy
R/o. Digwal Village, Kohir Mandal, Medak.
5 A. Madhava Reddy S/o. Late A. Mogul Reddy,
R/o. Digwal Village, Kohir Mandal, Medak.
6 A. Narayan Reddy S/o late A. Mogul Reddy,
R/o. Digwal Village, Kohir Mandal, Medak.

(Petitioners 2 to 6 are brought on record as LR's
of decassed Petitioner No.1. as per Court Order Dt. 5.8.2004. in W.P.M.P.

No.15889 of 2004.

..... PETITIONERS

AND

1 The Collector, Medak District at Sangareddy
2 The Mandal Revenue Officer, Kohir Mandal, Medak Dist

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate writ, order or directions against respondents declaring that the action of 1st respondent in announcing that possession of lands survey Nos.258, 259 and 129 total area 37 acres 28 guntas situated at Village:Digwal, Kohir Mandal, District:Medak would be taken from petitioner as Arbitrary, illegal and unenforceable and pass such other order.

Counsel for the Petitioner: MR.VIJAY B.PAROPKARI
Counsel for the Respondent No.: GP FOR REVENUE

The Court made the following :

THE HON'BLE SRI JUSTICE BILAL NAZKI

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WRIT PETITION NO. 3930 of 1994

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ORAL ORDER:

Heard learned counsel for the parties.

This Writ Petition is filed seeking an appropriate Writ declaring the action of first respondent in announcing the possession of lands under Survey Nos.258, 259 and 129 would be taken from him, as arbitrary, illegal and unenforceable.

No order of resumption of lands has been passed. Even in the counter-affidavit it is stated that no such order has been passed. But it has been excerpted in the counter that the respondents have such intention if permissible under law.

In those circumstances, the Writ Petition appears to be premature, as no order has been passed against the petitioner. Therefore, the Writ Petition is disposed of with a direction to the respondents that the land belonged to the petitioner be not resumed except through due process of law.

19th August, 2004

Nsr/Tsr

To

1 The Collector, Medak District at Sangareddy
2 The Mandal Revenue Officer, Kohir Mandal, Medak Dist

3. Two CCs to GP for Revenue, High Court of A.P., Hyderabad (OUT)

4. Two CD copies.